

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
DETROIT DIVISION**

ADELE DIFRANCO,)	
Plaintiff,)	
)	
v.)	
)	
LEADING EDGE RECOVERY)	VERIFIED COMPLAINT
SOLUTIONS, LLC.)	(Unlawful Debt Collection Practices)
Defendant.)	

PLAINTIFF’S VERIFIED COMPLAINT

ADELE DIFRANCO (“Plaintiff”), through her attorneys, KROHN & MOSS, LTD., alleges the following against LEADING EDGE RECOVERY SOLUTIONS (“Defendant”):

INTRODUCTION

1. Count I of Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

3. Defendant conducts business in the state of Michigan; therefore, personal jurisdiction is established. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

4. Plaintiff is a natural person residing in St. Clair Shores, Macomb County, Michigan.

5. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

6. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and

sought to collect a consumer debt from Plaintiff.

7. Plaintiff is informed and believes, and thereon alleges, that Defendant is a collections business with an office in Chicago, Illinois.

8. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

9. In or around September of 2011, Plaintiff began receiving calls from Defendant, who was apparently seeking and demanding payment on an alleged debt.

10. Defendant calls Plaintiff from 866-318-6742, and possibly other numbers also.

11. Plaintiff is informed and believes, and thereon alleges, that Defendant Plaintiff calls using an automated dialer, or similar autodialing device.

12. Defendant leaves voice messages identifying the caller only as "Richard Silver" and requesting a call back to 866-318-6724.

13. Whenever Defendant calls Plaintiff, Defendant does not meaningfully disclose the identity of the caller or the purpose of the call and so Plaintiff has no way of knowing what the calls are about.

14. Defendant has continued calling Plaintiff multiple times per week, and leaving messages on Plaintiff's voicemail which fail to identify the caller.

COUNT I: DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on, but not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt;
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly or

continuously with intent to annoy, abuse, or harass any person called at that number;

- c. Defendant violated §1692e of the FDCPA by using false, deceptive or misleading representations or means in connection with the collection of a debt;
- d. Defendant violated §1692e(10) of the FDCPA through the use of any false representation of deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer; and
- e. Defendant violated §1692e(11) of the FDCPA through the failure to disclose to the consumer that the debt collector is attempting to collect a debt and that any information obtained would be used for that purpose.

WHEREFORE, Plaintiff, ADELE DIFRANCO, respectfully requests judgment be entered against Defendant, LEADING EDGE RECOVERY SOLUTIONS, for the following:

- 16. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;
- 17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k; and
- 18. Any other relief this Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Adam T. Hill

Adam T. Hill

KROHN & MOSS, LTD.

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Attorneys for Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF MICHIGAN)
)
COUNTY OF Macomb.)

Plaintiff, ADELE DIFRANCO, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, ADELE DIFRANCO, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

10-21-2011
Date

Adele D. Franco
ADELE DIFRANCO